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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

CODE OF FAIR COMPETITION SERIES — CODE No. 1

CODE OF FAIR COMPETITION
FOR THE
IMPORTED DATE PACKING INDUSTRY

Approved by the President of the United States
November 11, 1933

1. Executive Order
2. Letter of Transmittal (Secretary of Agriculture)
3. Letter of Transmittal (Administrator, N.R.A.)
4. Code



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

EXECUTIVE ORDER

Approval of Code of Fair Competition for the Imported Date Packing Industry

Whereas, the Secretary of Agriculture and the National Recovery Administrator having submitted for my approval a Code of Fair Competition for the Imported Date Packing Industry and having rendered their separate reports and recommendations and findings thereon:

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby find that:

1. An application has been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Imported Date Packing Industry; and,

2. Due notice and opportunity for hearings to interested parties has been given pursuant to the provisions of the Act and regulations thereunder; and,

3. Hearings have been held upon said Code, pursuant to such notice and pursuant to the pertinent provisions of the Act and regulations thereunder; and,

4. Said Code of Fair Competition constitutes a Code of Fair Competition, as contemplated by the Act and complies in all respects with the pertinent provisions of the Act, including clauses (1) and (2) of subsection (a) of Section 3 of Title I of the Act; and,

5. It appears, after due consideration, that said Code of Fair Competition will tend to effectuate the policy of Congress as declared in Section 1 of Title I of the Act.

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby approve said Code of Fair Competition for the Imported Date Packing Industry.



President of the United States.

THE WHITE HOUSE,
November 11, 1933.

AGRICULTURAL ADJUSTMENT ADMINISTRATION

Letter of Transmittal from the Secretary of Agriculture to the President of the United States: Recommending Approval of a Code of Fair Competition for the Imported Date Packing Industry.

NOVEMBER 10, 1933.

The PRESIDENT,

The White House.

DEAR MR. PRESIDENT: I have the honor to submit the following:

1. There is transmitted herewith a Code of Fair Competition for the Imported Date Packing Industry, which I recommend for your approval and which the National Recovery Administrator recommends for your approval with reference to the labor provision thereof. There accompanies the Code the report of the Administrator of the Agricultural Adjustment Act, the report of the Administrator of Title I of the National Industrial Recovery Act, and a true, correct, and complete stenographic report of all the evidence introduced at a public hearing on said Code, held pursuant to Section 3 (a), Title I of the National Industrial Recovery Act.

2. By virtue of Executive Order No. 6182, of June 26, 1933, as supplemented by Executive Order 6207, of July 21, 1933, and Executive Order No. 6345, of October 20, 1933, which, pursuant to Title I of the National Industrial Recovery Act of June 16, 1933, (Public No. 67, 73d Congress) delegated to me, as Secretary of Agriculture, certain of the powers vested in the President of the United States by the aforesaid Act, and after considering the aforesaid Code of Fair Competition and a true, correct, and complete stenographic report of all the evidence introduced at such public hearing, and being fully advised in the premises, I make the following findings:

1. That an application has been duly made by the Date Industries Association pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of the President, of the Code of Fair Competition for the Imported Date Packing Industry. Said Date Industries Association and the advisory body, provided for in such Code, are truly representative of the industry, and no inequitable restrictions on admission to membership are imposed by the Date Industries Association.

2. That the Imported Date Packing Industry, covered by such Code, is included within the trades, industries, or subdivisions thereof enumerated in Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, and Executive Order No. 6345 of October 20, 1933.

3. That the provisions of the Code establishing standards of fair competition (a) are regulations of interstate and foreign commerce and (b) are reasonable.

4. That the Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will not permit monopolies or monopolistic practices.

5. That the Code will not prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof nor prevent anyone from marketing or trading the produce of his farm.

6. That due notice and opportunity for hearing, in connection with the aforesaid Code, has been afforded interested parties, in accordance with Title I of the National Industrial Recovery Act and applicable regulations issued thereunder.

7. That said Code will tend to effectuate the declared policy of Title I of the National Industrial Recovery Act as set forth in Section 1 of said Act in that the terms and provisions of such Code tend to: (a) Remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; (b) to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups; (c) to eliminate unfair competitive practices; (d) to promote the fullest possible utilization of the present productive capacity of industries; (e) to avoid undue restriction of production (except as may be temporarily required); (f) to increase the consumption of industrial and agricultural products by increasing purchasing power; and (g) otherwise to rehabilitate industry and to conserve natural resources.

8. That said Code, when approved by the President, will constitute a Code of Fair Competition for the Imported Date Packing Industry within the meaning of Section 3 (a) of Title I of the National Industrial Recovery Act.

Respectfully,

Hawallace
Secretary.

(V)

NATIONAL RECOVERY ADMINISTRATION
WASHINGTON, D.C.

The PRESIDENT,

The White House.

MY DEAR MR. PRESIDENT: In accordance with your Executive Order of June 26, this Administration has conducted a public hearing on the Labor Provisions of the Code of Fair Competition of the Imported Date Packing Industry. To the extent that the jurisdiction of this Administration extends to clauses of the code dealing with or having direct or indirect influence on hours of labor, rates of pay, and other conditions of employment, I find that such clauses are in conformity with the purposes and requirements of the National Industrial Recovery Act, and embody without limitation the mandatory provisions of said Act.

An analysis of the Labor Provisions of the above Code made by this Administration is attached and a complete report is being transmitted to you. I have the honor to recommend your approval of that portion of the above Code which is under my jurisdiction.

Very sincerely yours,


Hugh S. Johnson
Administrator.

CODE OF FAIR COMPETITION FOR THE DATE-PACKING INDUSTRY

ARTICLE I

PURPOSES

Whereas, it is the declared policy of Congress as set forth in Section 1 of Title I of the National Industrial Recovery Act:

to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources;

Now therefore, to effectuate such policy, the following provisions are established as a Code of Fair Competition for the Date Packing Industry, and upon approval by the President, shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II

DEFINITIONS

SECTION 1. As used in this Code:

(a) The term "President" means the President of the United States.
(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "National Recovery Administrator" means the duly designated representative of the President to administer such functions and powers under Title I of the National Industrial Recovery Act as are not delegated to the Secretary by Executive Order.

(d) The term "Act" means Title I of the National Industrial Recovery Act, approved June 16, 1933.

(e) The term "person" means individual, partnership, corporation, or association.

(f) The "Date Packing Industry" means the business of processing and/or packing imported dates.

(g) The term "employee" means any person engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

(h) The term "employer" means any person by whom any such employee is compensated or employed.

(i) The term "member of the industry" means any person engaged in the industry, either as an employer or on his own behalf.

(j) The term "State" includes Territory and the District of Columbia.

(k) The term "books and records" means any books, records, accounts, contracts, documents, memoranda, papers, correspondence, or other written data pertaining to the business of the person in question.

(l) The term "subsidiary" means any person, of or over which, the processor has, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

(m) The term "affiliate" means any person which has, either directly or indirectly, actual or legal control of or over a processor, whether by stock ownership or in any other manner.

(n) "Processor" means an individual or any business entity actively engaged in the United States in the business of processing and/or packing of imported dates.

(o) "Imported Dates" means dates imported into the United States, pitted or unpitted, and processed and/or packed with or without the addition of syrup by the processors.

(p) "Package Dates" means all imported dates processed and/or packed in packages containing 2 lbs. or less.

(q) "Committee" means the Date Industries Committee selected pursuant to Article VIII.

(r) "The Date Industries' Association" means an association, national in scope, whose present membership processes and/or packs eighty (80) percent or more of the imported dates processed and/or packed in the United States.

(s) "Pack" means a quantity of dates processed and/or packed over any given period for distribution and sale.

ARTICLE III

HOURS

On and after the effective date employers in the Date Packing Industry shall not operate on a schedule of hours of labor for their respective employees in excess of 40 hours per week; *provided however:*

(a) That during the months of September, October, November, and December, employees in the Date Packing Industry may operate on a 44 hour per week schedule, provided that time and one third is paid for all time worked in excess of 40 hours per week, and in excess of 8 hours per day.

(b) That watchmen shall not be subject to the above limitations but shall be limited to 56 hours' work in any one week.

(c) That employees in managerial or supervisory capacities receiving more than \$35.00 per week, and outside salesmen, are exempted from the maximum schedule of hours hereinbefore provided.

(d) That engineers and firemen are exempted from the maximum schedule of hours hereinbefore provided. The maximum schedule for this class of employees shall be 44 hours per week.

(e) That foremen, foreladies, shipping and receiving clerks shall be exempted from the maximum schedule of hours hereinbefore provided. The maximum schedule for this class of employees shall be 44 hours per week.

(f) That the limitations hereinbefore set forth shall not apply to employees on emergency maintenance and repair work, but at the end of every calendar month every employer shall report to the com-

mittee hereinafter provided for, in Article VIII hereof, in such detail as may be required, the number of man hours in that month so worked and the ratio which said man hours bear to the total number of man hours of labor during said month, and that time and one-third shall be paid for hours worked in excess of the maximum hours for each class.

(g) Overtime payment shall be as follows:

1. Watchmen, salesmen and those administrative employees classed under paragraph (c) above; no overtime.

2. Engineers, firemen, foremen, foreladies, shipping and receiving clerks, time and one-third for all time in excess of 9 hours in any one day.

3. All other employees, time and one-third for all time in excess of 40 hours per week and 8 hours per day.

4. Time and one-third shall be paid to all employees classified under paragraphs 2 and 3 above, for time worked on Sundays and legal holidays.

ARTICLE IV

WAGES

SECTION 1. On and after the effective date no clerical, accounting or office employee shall be paid at the rate of less than \$16.00 per week.

SECTION 2. No watchman shall be paid at a rate of less than \$16.00 per week.

SECTION 3. On and after the effective date no employee other than those classified under Sections (1) and (2) above, shall be paid at a rate of less than 40 cents an hour for male employees and 30 cents an hour for female employees, provided, however, that the minimum set herein shall be considered temporary to prevail until January 1, 1934. It shall be the duty of the committee to render a complete report on this subject to the Administrator or his duly authorized agent at a time prior to January 1, 1934, with a view to an upward revision of these minima.

SECTION 4. When male and female employees are engaged in substantially the same type of operation, no differential shall exist between wages paid male and female employees, the minimum rates of male employees being the minimum rates for the operation.

SECTION 5. It is agreed that this Code guarantees a minimum rate of pay regardless of whether the employee is compensated on the basis of time rate or piece-work performance.

SECTION 6. It is agreed that equitable adjustments of wage rates will be made in the case of those employees now receiving more than the minimum, in order to maintain fair differentials now existing between employees.

ARTICLE V

GENERAL LABOR PROVISIONS

1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

2. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

3. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

4. On and after the effective date employers shall not employ any person under the age of 16 years.

5. If any employer of labor in the Date Packing Industry is also an employer of labor in any other Industry the provisions of this Code shall apply to and affect all labor employed by said employer, in the plant in which dates are packed, until such time as Codes of Fair Competition have been approved for the other Industry of Industries operating in the same plant as the packaging of dates; provided, however, that labor operating under substituted provisions of the President's Reemployment Agreement in the same plant in which dates are processed and/or packed may continue to operate under such substituted provisions as long as said substituted provisions are effective.

6. No employee shall work or be permitted to work for a total number of hours in excess of the number of hours prescribed for each week, whether employed by one or more employers.

7. Within each State members of the Date Packing Industry shall comply with any laws of such State imposing more stringent requirements regulating the age of employees, wages, hours of work, or health, fire or general working conditions than under this Code.

8. (a) All clauses of this Code pertaining to employment shall be posted in some conspicuous place, such as the time-clock, in lunch rooms, clothes rooms, or any place of easy and continuous access to employees.

(b) The notice shall be printed in type of no less than 10 point. At least three notices shall be posted in each shop employing more than ten employees, one in any smaller shop.

(c) All changes in the provisions set forth in (a) shall be noted within one week after such changes have been incorporated in the Code.

ARTICLE VI

TRADE PRACTICES

The practices set forth in the Schedule of Unfair Methods of Competition in Exhibit A attached hereto constitute unfair methods of competition for members of the industry and are prohibited.

ARTICLE VII

REPORTS

SECTION 1. *Accounts.*—Each processor shall maintain a system of accounting which shall accurately reflect the true account and condition of his business including affiliates and subsidiaries.

SECTION 2. *Examination.*—The books and records of each processor shall, during the usual hours of business, be subject to the examination of the Secretary and/or the Administrator, to assist him in the

furtherance of his duties with respect to this Code, including verification by the Secretary and/or the Administrator of the information furnished on the forms hereinafter referred to.

SECTION 3. *Reports.*—Each processor shall from time to time furnish reports to the Secretary and/or the Administrator and/or a government agency as the case may be, on and in accordance with forms to be supplied, each of which reports shall be verified under oath. The Secretary and/or the Administrator and/or a government agency in his or its discretion may permit the omission from any such report of any affiliate or subsidiary.

SECTION 4. All information obtained by or furnished to the Secretary and/or the Administrator and/or a government agency pursuant to the foregoing Sections, if designated in writing as confidential when obtained or so furnished shall remain the confidential information of the Secretary and/or the Administrator and/or the government agency and shall not be disclosed except upon lawful demand by the President, either House of Congress or any committee thereof or by any court of competent jurisdiction.

SECTION 5. Each processor shall make such sworn or unsworn reports periodically or as often as requested to the Committee and/or the Administrator as to wages, hours of labor, age of employees, conditions of employment, number of employees, and other matters pertinent to the operation and observance of the labor provisions of this Code.

SECTION 6. *Price Schedules.*—Each processor shall, within ten days after the effective date of the Code, file with the Committee a schedule containing a base price for each size package of dates packed by him, including allowances and terms and conditions of sale, and from and after the expiration of such ten days such processor shall at all times maintain on file with the Committee such base price schedule for all his package dates; and shall not sell below and shall not make any change in such price schedule, except as hereinafter provided.

Any processor desiring to change such price schedule shall file a revised price schedule with the Committee, which shall become effective not less than five days after and exclusive of the date of filing thereof, Sundays and holidays excluded.

SECTION 7. Price schedules filed under Section 6 of Article VII shall be available to all processors of imported dates, to the Secretary and/or Administrator and to trade buyers.

SECTION 8. Upon receipt of price schedules the Committee shall immediately send copies thereof to each processor.

SECTION 9. *Sizes, Grades, Standards.*—In order to effectuate the provisions of this Code, the Date Industries Committee, or a committee appointed by said Date Industries Committee, shall make an investigation of (1) Standardization of package sizes and (2) Grades and standards for package dates, and report its findings to the Secretary on or before January 1, 1934. Said report may contain recommendations from the committee.

ARTICLE VIII

ADMINISTRATION

SECTION 1. *Administrative Jurisdiction.*—By Executive Order of June 26, 1933, the determination and administration of provisions relating to hours of labor, rates of pay and other conditions of employment is retained in the President of the United States pursuant to authority vested in him by Title I of the National Industrial Recovery Act and administration of said provisions in this Code is in the President or the Administrator of the National Industrial Recovery Act. The administration of all remaining provisions in this Code shall rest with the Secretary of Agriculture.

SECTION 2. *Supervisory Committee.*—(a) A supervisory committee to consist of 5 members shall be selected each year between the dates of June 1 and June 15 for the purpose of administering, supervising, and promoting the performance of the provisions of this Code from July 1 of such year to June 30th of the succeeding year.

Said Committee shall be known as the Date Industries Committee and shall be selected in accordance with the following rules:

1. Each processor shall be entitled to one vote for each 5,000 cases, each containing approximately 68 pounds of dates, packed and/or processed in the preceding calendar year, provided, however, that each processor shall in any case be entitled to at least one vote in the selection of the Committee.

2. At least one member of the Committee shall be affiliated with a processor who in the preceding calendar year packed and/or processed less than 10,000 cases, each containing approximately 68 pounds of dates.

3. The Secretary and/or Administrator may designate any officer or employee of the government to attend meetings of the Committee. Said representative or representatives shall have no voting power whatsoever.

4. In the selection of the Committee a vote cast by mail or by proxy shall have the same force and effect as a vote cast in meeting.

5. Nothing herein shall be construed to prevent the reelection of a Committee member to serve for more than one term.

6. Any vacancies occurring in the membership of the Committee shall be filled for the unexpired term by vote of the Committee.

7. The Date Industries Committee shall have as its chairman one of its members duly elected by said Committee.

8. The Committee shall have a Managing Agent duly elected and appointed by said Committee. Said Managing Agent shall perform such duties as may be designated by the Committee.

9. Duly elected members of Supervisory Committee, members elected to fill unexpired terms and the duly elected Managing Agent are subject to the approval of the Secretary.

(b) For the purposes of administering and supervising the provisions of this Code until July 1, 1934, a Committee shall be chosen immediately in accordance with the rules above set forth.

(c) (1) Rules, regulations and decisions of the Committee affecting provisions of this Code, other than the labor provisions, shall be submitted for consideration to the Secretary and any rule, regulation or decision shall be subject to his disapproval. *Provided*

that if such disapproval is not announced within ten days the Committee may act in accordance with such rule, regulation or decision until such time as the rule, regulation or decision shall be disapproved.

(2) Rules, regulations and decisions of the Committee affecting the labor provisions of this Code shall be submitted for consideration to the Administrator and such rule, regulation or decision shall be subject to his disapproval. *Provided* that if such disapproval is not announced within 10 days the Committee may act in accordance with such rule, regulation, or decision until such time as the rule, regulation or decision shall be disapproved.

SECTION 3. Powers and Duties of Committee.—(a) The Committee shall be charged with the investigation, reporting and recommendation concerning any of the provisions of the Code and/or violation thereof, and may be further charged with other powers and duties as may be lawfully delegated to it by the Secretary and/or Administrator.

(b) The processors, the Managing Agent, and the Committee shall use their best efforts to insure the observance of the conditions of this Code. Any violation thereof which shall come to the knowledge of any processor shall immediately be communicated to the Committee by a written statement containing said charged violation and all available substantiating evidence.

It shall be the duty of the Committee to investigate such charges and any other charges which shall come to the knowledge of the Committee through any other reliable source. The Committee shall investigate by calling upon the processor whose transactions are under investigation, and shall secure a statement under oath from such processor. After investigation the Committee may warn the alleged violator and may report said violation to the Secretary and/or the Administrator. Upon the finding by the Committee that the charges are based on fact, it shall then be the duty of the Committee to request the Secretary and/or the Administrator to take such action as he deems necessary.

(c) The Secretary and/or the Administrator, may at any time investigate the Committee or any processor and the Committee or processor shall furnish to the Secretary and/or the Administrator any and all information the Secretary and/or the Administrator may request in order to facilitate the investigation.

Section 4. Expenses.—The Committee is authorized to incur such expenses and make such expenditures as may be necessary in the performance of its functions and each processor shall be subject to his pro rata share of the cost of establishing and maintaining this Code.

The share of each processor shall, tentatively, be such proportion of the total expenses of the Committee as such processor's pack in the preceding calendar year bears to the total pack of all processors in such year. The share shall be recomputed at the end of the current year on the basis of each processor's proportion of the total pack for said year and adjustments shall be made with each processor on the basis of such recomputation.

ARTICLE IX

DURATION OF IMMUNITIES

The benefits, privileges and immunities conferred by this Code shall cease upon its termination except with respect to acts done prior thereto.

ARTICLE X

AGENTS

The Secretary and the National Recovery Administrator may each by designation in writing name any person, including any officer or employee of the Government, to act as his agent in connection with his respective powers and duties under any of the provisions of this Code.

ARTICLE XI

MODIFICATION

This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under the Act, and specifically, but without limitation, to the right of the President to cancel or modify his approval of the Code or any conditions imposed by him upon his approval thereof.

It is contemplated that from time to time supplementary provisions to this Code or additional conditions will be submitted for the approval of the President and/or the Secretary to prevent unfair competition and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act, with the approval of the President and/or the Secretary, the provisions of this Code may be modified or eliminated as changes in circumstances or experiences may indicate.

Nothing contained herein shall be construed in derogation of the rights of the Secretary and/or the Administrator under the National Recovery Act to act in the premises, nor in derogation of the rights of any person to be heard under such right of hearing as granted by said Act, or otherwise by law.

ARTICLE XII

EFFECTIVE TIME

This Code shall become effective on the ninth day after its approval by the President.

ARTICLE XIII

MONOPOLIES

It is hereby declared that this Code is not designed to promote monopolies or to eliminate or oppress small enterprises, and no provision herein contained shall be construed or administered in such manner as to discriminate against small enterprises.

EXHIBIT A

SCHEDULE OF UNFAIR COMPETITION

I

The following practices constitute unfair competition:

1. *Advertising*.—To publish or disseminate in any manner any false advertisement of any food. An advertisement shall be deemed to be false if it is untrue in any particular, or directly or by ambiguity or inference, it creates a misleading impression or includes any representation concerning any curative, therapeutic, or preventive effect which is contrary to the general agreement of medical opinion.

2. *Misbranding*.—To sell or otherwise introduce into commerce any food that is misbranded. A food shall be deemed to be misbranded—

(a) If in package form and it fails to bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor.

(b) If (1) its container is so made, formed, or filled as to mislead the purchaser, or (2) its contents fall below the standard of fill to be prescribed by regulations of the Secretary.

(c) If it purports to be or is represented as a food for which a definition of identity has been prescribed by regulations of the Secretary and fails to conform to the definition.

(d) If it purports to be or is represented as a food for which standards of quality have been prescribed by regulations of the Secretary, and (1) fails to state on the label, if so required by the regulations, its standard of quality in such terms as the regulations specify, or (2) falls below the standard stated on the label.

(e) Commencing on January 1, 1934, if its label fails to bear (1) the common or usual name of the food, if any there be, and (2) the common or usual name of each ingredient thereof in order of predominance by weight; except that spices, flavors, and artificial colors may be designated as such without naming each spice, flavor, or artificial color. The Secretary is hereby authorized to prescribe by regulations requirements for such further information on the label thereof as he may deem necessary to protect the public from deception.

(f) If any word, statement, or other information required on the label to avoid misbranding under any provision of this schedule, is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily intelligible to the purchasers and users of such articles under customary conditions of purchase and use.

(g) If it is misbranded within the meaning of the Federal Food and Drugs Act, as amended.

3. *Destructive Price Cutting*.—No processor shall engage in destructive price cutting.

If in the opinion of the committee any price list indicates destructive price cutting which would prevent in this Industry effectuation of the declared policy of the Act, the Committee shall so notify the processor whose price list is under investigation. If, after due notice and hearing in such manner as the Committee may prescribe, the Committee shall find that any such processor has engaged in destructive price cutting, it shall so notify the Secretary.

4. *Foods and Drugs.*—The members of the Industry shall comply with the Standards of the Federal Food and Drugs Act for the protection of producers, distributors and consumers and with such other Federal Legislation regulating foodstuffs as is now in effect or may later be enacted.

II

Regulations for the purposes of this schedule shall be prescribed by the Secretary only after due notice and opportunity for hearing to members of the industry.

III

It shall be the duty of the supervisory body established pursuant to this Code to use every reasonable effort to prevent violations of the requirements of this schedule by members of the industry and, if any violation continues, to report the violation to the Secretary.

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